

BAY STATE GAS COMPANY) D.T.E. 01-107
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Pursuant to G.L. c. 30A, § 10; 220 C.M.R. 1.03(1); and 220 C.M.R. 1.01(4), AllEnergy Gas & Electric Marketing Company, LLC (“AllEnergy”) hereby files this petition with the Department of Telecommunications and Energy (the “Department”) for leave to intervene late in the above-captioned proceeding. AllEnergy states the following in support of its petition:

1. AllEnergy is a Natural Gas Supplier certified by the Department pursuant to 220 C.M.R. 14.04, with a principle place of business at 95 Sawyer Road, Waltham, Massachusetts.
2. AllEnergy provides natural gas supply service to customers located within the service territory of Bay State Gas Company (“Bay State”).
3. On December 19, 2001, Bay State filed a request with the Department seeking approval of certain fees that it seeks to levy on Natural Gas Suppliers providing service to customers located in its service territory.
4. In conducting an adjudicatory hearing, the Department “may allow any person showing that he may be substantially and specifically affected by the proceeding to

intervene as a party in the whole or any portion of the proceeding.” G.L. c. 30A, § 10; 220 C.M.R. 1.03(1).

5. AllEnergy has a substantial and specific interest in intervening in this proceeding because the fees proposed by Bay State would be directly levied against AllEnergy. No other party is in a position to adequately represent AllEnergy’s interests in this proceeding. Accordingly, any decision rendered by the Department in this proceeding will substantially and specifically affect AllEnergy.

6. Given its position as a Natural Gas Supplier, AllEnergy will have information that will aid the Department in its evaluation of Bay State’s proposal.

7. On January 18, 2002, the Department issued an Order of Notice establishing February 4, 2002 as the date for the filing of petitions to intervene. On or about January 24, 2002, AllEnergy received notice from Bay State that the Department had opened an investigation into this matter. Though the notice indicates that the Department’s Order of Notice was attached, AllEnergy does not recall that this was so. On February 13, 2002, AllEnergy became aware of the intervention date and has promptly filed this petition. AllEnergy’s intervention at this time will not unduly prejudice any party, nor will AllEnergy’s participation impair the orderly and prompt conduct of the proceedings. AllEnergy will abide by any procedural schedule that has already been established by the Department. The Department, for good cause shown, may allow a late filed petition to intervene. 220 C.M.R. 1.01(4).

8. AllEnergy requests that all notices, testimony, pleadings, and correspondence pertaining to this proceeding be directed to the undersigned.

WHEREFORE, for good cause shown, AllEnergy respectfully requests that the Department allow its Petition to Intervene Late in the above-captioned proceeding.

Respectfully submitted,

ALLENERGY GAS & ELECTRIC
MARKETING COMPANY, LLC

By its attorney,

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Dated: February 14, 2002